REMARKS

Applicant appreciates the time taken by the Examiner to review Applicant's present application. This application has been carefully reviewed in light of the Official Action mailed July 31, 2003. Applicant respectfully requests reconsideration and favorable action in this case.

Rejections under 35 U.S.C. § 102

Claims 1, 10, 12, 21-23 and 32 stand rejected under 35 U.S.C. §102(b) as anticipated by U.S. Patent No. 6,557,012 ("Arun").

In order for a claim to be anticipated, a prior art reference must disclose "each and every element as set forth in the claim." *Verdegaal Bros. v. Union Oil Co. of California,* 814 F.2d 628, 631 (Fed. Cir. 1987). "The identical invention must be shown in as complete detail as contained in the claim." *Richardson v. Suzuki Motor Co.,* 868 F.2d 122, 1239 (Fed. Cir. 1989). Moreover, "the elements must be arranged as required by the claim." *In re Bond,* 910 F.2d 831 (Fed. Cir. 1990). Applicants respectfully point out that Arun does not anticipate the present invention as it does not disclose every element of Claims 1, 10, 12, 21-23 and 32.

The Arun reference teaches a version control system to be used in conjunction with a database management system to facilitate versioning of a database table. Nowhere in the passages cited by the Examiner does Arun disclose "obtaining a table schema employable by a database supported by a version of a software application" as recited in Claim 1. In contrast, Arun discloses facilities incorporated in a database table to supply a versioning schema provided by the versioning control subsystem. These facilities, which comprise version management fields, are provided for use in connection with versioning of the data stored in the database table, not for obtaining a table schema employable by a database supported by a version of a software application as required by Claim 1 (see Col. 7, Line 5-11). Applicant respectfully submits, therefore, that Claim 1 and associated dependent Claim 10 are patentably distinct from the Arun reference.

With respect to Claim 12, Applicant respectfully submits that Arun does not disclose a "first interface operable to obtain a table schema employable by a database supported by a version of a software application" as recited by Claim 12 for the very reasons stated above, and consequently Claim 12 and associated dependent Claim 21 are patentably distinct from the Arun reference as well.

Similarly, Applicant respectfully submits that Arun does not disclose computer program instructions executable by a processor for obtaining a table schema employable by a database

supported by a version of a software application as recited in Claim 23. Therefore, Applicant respectfully suggests that Claim 23 and dependent Claim 32 are also patentably distinct from the Arun reference. Accordingly, withdrawal of the rejection of Claims 1, 10, 12, 21-23 and 32 is respectfully requested.

<u>Rejections under 35 U.S.C. § 103</u>

Claims 2-9, 11, 13-20, 22, 24-31 and 33 stand rejected as unpatentable over U.S. Patent No. 6,557,012 ("Arun") in view of U.S. Pub. No. 2002/0100017 ("Grier").

In order to establish a prima facie case of obviousness, the Examiner must show: that the prior art references teach or suggest all of the claim limitations; that there is some suggestion or motivation in the references (or within the knowledge of one of ordinary skill in the art) to modify or combine the references; and that there is a reasonable expectation of success. M.P.E.P. 2142, 2143; In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991). The Examiner must explain with reasonable specificity at least one rejection – otherwise, the Examiner has failed procedurally to establish a prima facie case of obviousness. M.P.E.P. 2142; Ex parte Blanc, 13 U.S.P.Q.2d 1383 (Bd. Pat Application. & Inter. 1989).

The Applicant respectfully points out that the Examiner has failed to establish a prima facie case of obviousness as the Examiner has failed to show that the references contain each of the claim limitations. The Examiner relies on Arun to provide the limitation of "obtaining a table schema employable by a database supported by a version of a software application" as recited in independent Claims 1, 12 and 23, and therefore contained in dependent Claims 2-9, 11, 13-20, 22, 24-31 and 33 as well. As pointed out above, nowhere does the Arun reference teach this limitation.

Moreover, Grier fails to reveal this limitation as well. Instead, Grier discloses an infrastructure that allows an application to run with specified versions of assemblies bound therto. The "schema" referred to in the Grier reference pertains only to the configuration files used in two previous stages of configuration resolution and not to a "table schema employable by a database supported by a version of a software application" (Page 10, Paragraph 0075). Consequently, the rejection of Claims 2-9, 11, 13-20, 22, 24-31 and 33 cannot stand, and Applicant respectfully request that the rejection of these Claims be withdrawn.

Applicant has now made an earnest attempt to place this case in condition for allowance. Other than as explicitly set forth above, this reply does not include an acquiescence to statements, assertions, assumptions, conclusions, or any combination thereof in the Office Action. For the foregoing reasons and for other reasons clearly apparent, Applicant respectfully requests full allowance of Claims 1-33. The Examiner is invited to telephone the undersigned at the number listed below for prompt action in the event any issues remain.

The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fees or credit any overpayments to Deposit Account No. 50-0456 of Gray Cary Ware & Freidenrich, LLP.

Respectfully submitted,

Gray Cary Ware & Freidenrich LLP
Attorneys for Applicant

Ari G. Akmal
Reg. No. 51,388

October 28, 2003

1221 South MoPac Expressway, Suite 400
Austin, TX 78746-6875
Tel. (512) 457-70__
Fax. (512) 457-7001